

Union Calendar No. 172

111TH CONGRESS
1ST SESSION

H. R. 1061

[Report No. 111-306]

To transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2009

Mr. DICKS introduced the following bill; which was referred to the Committee on Natural Resources

OCTOBER 21, 2009

Additional sponsor: Mr. COLE

OCTOBER 21, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 13, 2009]

A BILL

To transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Hoh Indian Tribe Safe*
5 *Homelands Act”.*

6 **SEC. 2. FINDINGS.**

7 *(a) FINDINGS.—Congress finds the following:*

8 *(1) The Hoh Indian Reservation, located along*
9 *the Hoh River and the Pacific Ocean in a remote sec-*
10 *tion of Jefferson County, Washington, is the homeland*
11 *of the Hoh Indian Tribe, a federally recognized In-*
12 *dian tribe.*

13 *(2) Established by Executive Order in 1893, the*
14 *Reservation is approximately one square mile, but its*
15 *habitable acreage has been reduced over time due to*
16 *storm surges, repeated flooding and erosion, and lack*
17 *of river dredging.*

18 *(3) Due to its location along the river and ocean*
19 *and frequent torrential rains, 90 percent of the Res-*
20 *ervation is located within a flood zone and, in fact,*
21 *has flooded repeatedly over the last five years. In ad-*
22 *dition, 100 percent of the Reservation is within a tsu-*
23 *unami zone, leaving most of the Reservation unfit for*
24 *safe occupation.*

1 (4) *The Tribe has repeatedly suffered from seri-*
2 *ous flood and wind damage to homes, tribal build-*
3 *ings, and utility infrastructure that have caused sig-*
4 *nificant damage and resulted in critical safety and*
5 *environmental hazards.*

6 (5) *Federal agencies such as the Bureau of In-*
7 *dian Affairs, the Department of Housing and Urban*
8 *Development, and the Federal Emergency Manage-*
9 *ment Agency have limited authority to assist the*
10 *Tribe with housing and other improvements and serv-*
11 *ices due to the dangerous and unsustainable location*
12 *of the Reservation.*

13 (6) *The Tribe has purchased from private owners*
14 *near the Reservation approximately 260 acres of land*
15 *in order to move key infrastructure out of the flood*
16 *zone.*

17 (7) *In addition, the State of Washington's De-*
18 *partment of Natural Resources has transferred owner-*
19 *ship of 160 acres of land to the Tribe.*

20 (8) *An approximately 37 acre parcel of logged*
21 *land, administered by the National Park Service, lies*
22 *between the current Reservation land and those lands*
23 *acquired by the Tribe, and the only road accessing the*
24 *Reservation crosses this parcel.*

1 (9) *Together, the lands described in paragraphs*
2 *6, 7, and 8 would constitute a contiguous parcel for*
3 *the Reservation and would create a safe area for*
4 *members of the Tribe to live and rebuild their com-*
5 *munity.*

6 **SEC. 3. DEFINITIONS.**

7 *For the purposes of this Act—*

8 (1) *the term “Federal land” mean the Federal*
9 *lands described in section 4(c)(2);*

10 (2) *the term “Reservation” means the reservation*
11 *of the Hoh Indian Tribe;*

12 (3) *the term “Secretary” means the Secretary of*
13 *the Interior; and*

14 (4) *the term “Tribe” means the Hoh Indian*
15 *Tribe, a federally recognized Indian tribe.*

16 **SEC. 4. TRANSFER OF LANDS TO BE HELD IN TRUST AS**
17 **PART OF THE TRIBE’S RESERVATION; PLACE-**
18 **MENT OF OTHER LAND INTO TRUST.**

19 (a) *IN GENERAL.—All right, title, and interest of the*
20 *United States in and to the land described in subsection*
21 *(c)(2), are declared to be held in trust by the United States*
22 *for the benefit of the Tribe without any further action by*
23 *the Secretary. Such land shall be excluded from the bound-*
24 *aries of the Olympic National Park. Upon conveyance to*
25 *the Secretary by the Tribe, and subject to the completion*

1 *of an assessment of the nature and extent of any potential*
 2 *liability resulting from hazardous substances or other envi-*
 3 *ronmental problems associated with such property and the*
 4 *remediation of any such potential liabilities, the Secretary*
 5 *shall take into trust for the benefit of the Tribe certain non-*
 6 *Federal land owned by the Tribe described in subsection*
 7 *(c)(1), without any further action by the Secretary.*

8 *(b) RESERVATION.—Land taken into trust for the*
 9 *Tribe pursuant to subsection (a) shall be part of the Res-*
 10 *ervation*

11 *(c) DESCRIPTION OF LANDS.—The land to be trans-*
 12 *ferred and held in trust under subsection (a) is the land*
 13 *generally depicted on the map titled “Hoh Indian Tribe*
 14 *Safe Homelands Act Land Acquisition Map”, dated July,*
 15 *21, 2008, and further described as—*

16 *(1) the non-Federal land owned by the Hoh*
 17 *Tribe described in section 2(a)(6) and (7); and*

18 *(2) the Federal land administered by the Na-*
 19 *tional Park Service, located in Section 20, Township*
 20 *26N, Range 13W, W.M. South of the Hoh River.*

21 *(d) AVAILABILITY OF MAP.—Not later than 120 days*
 22 *after the survey required by section 5(a)(6) has been re-*
 23 *viewed and concurred in by the National Park Service, the*
 24 *Secretary shall make the map available to the appropriate*
 25 *congressional committees. The map also shall be available*

1 *for public inspection in the appropriate offices of the Sec-*
2 *retary.*

3 *(e) CONGRESSIONAL INTENT.—It is the intent of Con-*
4 *gress that—*

5 *(1) the condition of the Federal land at the time*
6 *of the transfer under this section should be preserved*
7 *and protected;*

8 *(2) that the natural environment existing on the*
9 *Federal land at the time of the transfer under this*
10 *section should not be altered, except as described in*
11 *this Act; and*

12 *(3) the Tribe and the National Park Service*
13 *shall work cooperatively on issues of mutual concern*
14 *related to this Act.*

15 **SEC. 5. PRESERVATION OF EXISTING CONDITION OF FED-**
16 **ERAL LAND; TERMS OF CONSERVATION AND**
17 **USE IN CONNECTION WITH LAND TRANSFER.**

18 *(a) RESTRICTIONS ON USE.—The use of the Federal*
19 *land transferred pursuant to section 4 shall be subject to*
20 *the following conditions:*

21 *(1) No commercial, residential, industrial, or*
22 *other buildings or structures shall be placed on the*
23 *Federal land being transferred and placed into trust.*

24 *(2) The condition of the Federal land at the time*
25 *of the transfer under this section shall be preserved*

1 *and protected and no actions that would adversely af-*
2 *fect the natural environment on the Federal land*
3 *shall be taken, except as described in this Act.*

4 *(3) In order to maintain its use as a natural*
5 *wildlife corridor and to provide for protection of ex-*
6 *isting resources, no logging or hunting shall be al-*
7 *lowed on the land.*

8 *(4) Routine maintenance may be conducted on*
9 *the two-lane county road that traverses the Federal*
10 *land as of the date of the enactment of this Act. The*
11 *road may not be widened or otherwise expanded. No*
12 *other roads or access routes shall be allowed on the*
13 *Federal land, except as provided by this paragraph*
14 *and subsection (b)(2). In the event the use of the road*
15 *or portions of the road is compromised by floods or*
16 *other natural or unexpected occurrences, a similar,*
17 *two-lane road or portion of the road may be recon-*
18 *structed to assure access to the area.*

19 *(5) The Tribe may authorize tribal members to*
20 *engage in ceremonial and other treaty uses of the Fed-*
21 *eral lands and existing tribal treaty rights shall not*
22 *be diminished by this Act.*

23 *(6) The Tribe shall survey the boundaries of the*
24 *Federal land and submit the survey to the National*
25 *Park Service for its review and concurrence.*

1 (b) *COOPERATIVE EFFORTS.*—*The Secretary and the*
2 *Tribes—*

3 (1) *shall enter into cooperative agreements—*

4 (A) *for mutual emergency fire aid, upon*
5 *completion of the Tribe’s proposed emergency fire*
6 *response building; and*

7 (B) *to provide opportunities for the public*
8 *to learn more about the culture and traditions of*
9 *the Tribe;*

10 (2) *may develop and establish a multipurpose,*
11 *nonmotorized trail from Highway 101 to the Pacific*
12 *Ocean; and*

13 (3) *shall work cooperatively on any other issues*
14 *of mutual concern related to the transfer of land au-*
15 *thorized by this Act.*

16 **SEC. 6. HOH INDIAN RESERVATION.**

17 *All lands taken into trust by the United States under*
18 *this Act shall be a part of the Hoh Indian Reservation.*

19 **SEC. 7. GAMING PROHIBITION.**

20 *No land taken into trust for the benefit of the Hoh In-*
21 *dian Tribe under this Act shall be considered Indian lands*
22 *for the purpose of the Indian Gaming Regulatory Act (25*
23 *U.S.C. 2701 et seq.).*

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